

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LESLIE M. RODRIGUEZ,

Defendant.

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CASE NO. 8:11CR423

TENTATIVE FINDINGS

The Court has received the Revised Presentence Investigation Report ("PSR") and the Government's and Defendant's objections thereto (Filing Nos. 43 and 44 respectively). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The objections presented in Filing Nos. 43 and 44 are sustained; the Defendant is responsible for at least 50 grams but less than 200 grams of a mixture containing methamphetamine, resulting in a base offense level of 26; the Court intends to adopt the plea agreement and adopt the PSR in all other respects at the time of sentencing;

2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary

hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, these tentative findings are final; and

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 10th day of December, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge